

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE**

INTERNATIONAL BUSINESS MACHINES CORPORATION,	)	C.A. No. 16-122-LPS
	)	
Plaintiff,	)	<b>JURY TRIAL DEMANDED</b>
	)	
v.	)	<b>PUBLIC VERSION</b>
	)	
GROUPON, INC.	)	
	)	
Defendant.	)	

**DECLARATION OF LAURIE STEMPLER IN SUPPORT OF INTERNATIONAL  
BUSINESS MACHINE CORPORATION'S BRIEF IN SUPPORT OF ITS MOTION TO  
EXCLUDE THE TESTIMONY OF JAMES MALACKOWSKI AND JON WEISSMAN  
CONCERNING NON-INFRINGEMENT ALTERNATIVES**

OF COUNSEL:

John M. Desmarais  
Karim Oussayef  
Laurie N. Stempler  
Robert C. Harrits  
Brian D. Matty  
Michael Matulewicz-Crowley  
DESMARAIS LLP  
230 Park Avenue  
New York, NY 10169  
Tel: (212) 351-3400

David E. Moore (#3983)  
Bindu A. Palapura (#5370)  
Stephanie E. O'Byrne (#4446)  
POTTER ANDERSON & CORROON LLP  
Hercules Plaza, 6th Floor  
1313 N. Market Street  
Wilmington, DE 19801  
Tel: (302) 984-6000  
[dmoore@potteranderson.com](mailto:dmoore@potteranderson.com)  
[bpalapura@potteranderson.com](mailto:bpalapura@potteranderson.com)  
[sobyrne@potteranderson.com](mailto:sobyrne@potteranderson.com)

*Attorneys for Plaintiff  
International Business Machines Corporation*

Dated: March 5, 2018  
Public Version Dated: March 12, 2018  
5663291 / 43155

I, Laurie Stempler, declare as follows:

1. I am an attorney with the law firm of Desmarais LLP, counsel of record for Plaintiff International Business Machines Corporation (“IBM”) in the above-captioned matter, and I am admitted *pro hac vice* to this Court. I submit this declaration based on personal knowledge, and if called upon as a witness, I could competently testify to the truth of each statement herein.

2. I make this declaration in support of IBM’s Brief in Support of Its Motion to Exclude the Testimony of James Malackowski and Jon Weissman Concerning Non-Infringing Alternatives.

3. Attached hereto as Exhibit A and filed under seal is a true and correct copy of excerpts of the Responsive Expert Witness Report of Dr. Jon B. Weissman on Non-Infringement, dated November 3, 2017.

4. Attached hereto as Exhibit B and filed under seal is a true and correct copy of excerpts of the Rebuttal Expert Report of James E. Malackowski, dated November 3, 2017.

5. Attached hereto as Exhibit C and filed under seal is a true and correct copy of excerpts of the deposition transcript of Jon Weissman, Ph.D., dated February 9, 2018.

6. Attached hereto as Exhibit D and filed under seal is a true and correct copy of excerpts of the Reply Expert Report of Douglas C. Schmidt Concerning Infringement of U.S. Patent Nos. 5,796,967, 7,072,849, 5,961,601, and 7,631,346, dated December 6, 2017.

7. Attached hereto as Exhibit E and filed under seal is a true and correct copy of excerpts of the deposition transcript of James E. Malackowski, dated February 6, 2018.

8. Attached hereto as Exhibit F and filed under seal is a true and correct copy of excerpts of the deposition transcript of Phillip Dunham, dated August 10, 2017.

Executed on March 5, 2018, in New York, NY.

/s/ Laurie Stempler

Laurie Stempler